

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ERNEST GUARDADO,

Plaintiff,

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 2:20-cv-01923-ART-DJA

ORDER

Pro se Plaintiff Ernest Guardado brings this action under 42 U.S.C. § 1983. Plaintiff alleges that Defendants violated his Eighth Amendment rights by the general lack of prompt medical treatment and by the denial of immediate medical attention for a severe infection. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Daniel J. Albregts (ECF No. 41), which recommends that this Court dismiss Plaintiff’s case. The Court will adopt the R&R and dismiss the case.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review,
2 and is satisfied Judge Albregts did not clearly err. Here, Judge Albregts
3 recommends dismissing the case because Plaintiff failed to file a status report as
4 ordered by the Court and subsequently failed to respond to Judge Albregts' order
5 to show cause why he should not recommend dismissing the case. (ECF No. 41
6 at 1.) The Court agrees with Judge Albregts. Having reviewed the R&R and the
7 record in this case, the Court will adopt the R&R in full.

8 It is therefore ordered that Judge Albregts' Report and Recommendation
9 (ECF No. 41) is accepted and adopted in full.

10 It is further ordered that Defendant's Motion to Stay the Case (ECF No. 38)
11 is denied as moot.

12 The Clerk of Court is directed to enter judgment accordingly.
13
14

15 DATED THIS 3rd Day of June 2024.
16

17 

18 ANNE R. TRAUM
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28